

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

RECEIVED

RUPERT WARD JR.
Full name and prison number
of plaintiff(s)

2009 AUG -7 A 11: 08

v. THE STATE OF ALABAMA

DEBRA L. HACKETT
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

CIVIL ACTION NO. 1:09CV749-TMH

Henry County

(To be supplied by Clerk of
U.S. District Court)

Officer Chase Little

Officer Dennis Cobbs

Honorable Judge Denny Holloway

Honorable Patrick Amason D.A.

Name of person(s) who violated
your constitutional rights.
(List the names of all the
persons.)

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court
dealing with the same or similar facts involved in this
action? YES () NO (☒)

B. Have you begun other lawsuits in state or federal court
relating to your imprisonment? YES () NO (☒)

C. If your answer to A or B is yes, describe each lawsuit
in the space below. (If there is more than one lawsuit,
describe the additional lawsuits on another piece of
paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if
state court, name the county) N/A

3. Docket number N/A
4. Name of judge to whom case was assigned N/A
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) N/A
6. Approximate date of filing lawsuit N/A
7. Approximate date of disposition N/A

II. PLACE OF PRESENT CONFINEMENT Kilby Correctional Facility Post
Office Box 150 Mount Meigs Alabama 36057

PLACE OF INSTITUTION WHERE INCIDENT OCCURRED N/A

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME

ADDRESS

1. Officer Chase Little - 99 Park Street Headland Alabama 36345
2. Officer Dennis Cobbs 99 Park Street Headland Alabama 36345
3. Honorable Circuit Judge Denny Holloway 101 Court Square Court House, Suit (1) Abbeville Alabama 36310
4.
5. Honorable Patrick Amyson - Assistant District Attorney 101 Court Square Courthouse Suit (1) Abbeville Alabama 36310
6.

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED June 15 2005

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: on June 15, 2005 Officer Chase Little went before
the Honorable Circuit Court Judge Denny Holloway to secure a search

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

warrant for the residence of Rupert Ward Jr., Officer Chase Little Little, stated in the search warrant that he receive information from a confidential informant that drugs were to be found, and sold out of Rupert Ward Jr. residence, circuit court Judge Denny Holloway issued the search warrant for Headline Police

GROUND TWO: During the Trial the state fail to present Testimony from the informant and existence of the drugs

SUPPORTING FACTS: A search warrant can only be issued on probable cause, supported by an Affidavit stating or describing the property and the place to be searched. Before issuing a search warrant, a Judge, or magistrate authorized by law to issue search warrants, must examine on oath the complainant and any witness he may produce,

GROUND THREE: A search warrant Affidavit must set forth Particular Facts and circumstances underlying existence

SUPPORTING FACTS: Rupert Ward Jr. show that a False statement knowingly and intentionally, and with Reckless disregard for the truth in securing a search warrant, whether a Headline Police Officer Chase Little presented Perjury Testimony to secure a search warrant? Headline Police Officer

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

Rupert Ward Jr. sought the relief for the court to
give a new trial or a evidentiary hearing or
dismiss the charges of this illegal sentences.

Rupert Ward Jr.
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true
and correct.

EXECUTED on 4th August 2009.
(Date)

Rupert Ward Jr.
Signature of plaintiff(s)

1. State of Ore continued from page (3)

Officer Chase Little to execute the search of Rupert Ward Jr. Residence, Headland Police Officer Chase Little along with several other Headland Police Officers went to Rupert Ward Jr. Residence. While executing the search of Rupert Ward Jr. Residence, the Police Officers that were with Headland Police Officer Chase Little remained outside in the front of the residence with Rupert Ward Jr. wife; while Headland Police Officer Chase Little began the search of Rupert Ward Jr. Residence. After the search of one of the Bedrooms Headland Police Chase Little came out of Rupert Ward Jr. Residence allegedly stating that he had found Drugs in the Bedroom.

Rupert Ward Jr. was arrested and charged with Trafficking cocaine and possession of marijuana, The Grand Jury of Headland returned an indictment charging Rupert Ward Jr. with the offense of Trafficking and possession.

continued from page (3)

Evidence that was found in the residence of Rupert Ward Jr.

Trial Counsel Charles Decker never objected to the State not producing testimony from the confidential informant nor did Trial Counsel Charles Decker object to the State failing to produce any Drugs being found in Rupert Ward Jr. Residence as the trial continued. Headland Police Officer Chase Little were called to take the witness stand, under oath, The court went to resist, But when the court resumed, Trial Counsel Charles Decker for Rupert Ward Jr. asked Headland Police Officer Chase Little where were the drugs that you allegedly found in Rupert Ward Jr. Residence? and Headland Police Officer Chase Little stated to the question that Trial Counsel Charles Decker asked that the drugs were in the Headland Police Detachment Evidence Room.

supporting facts: Page (3) continue:

Take their Depositions in writing and cause them to be subscribed by the person or officer making them. Such depositions must set forth facts tending to establish the grounds of the application or probable cause for believing that they exist. During Trial Headland Police Officer Chase Little were the only Headland Police Officer who testified about drugs being found at Rupert Ward Jr. residence. No other Headland Police Officers gave testimony nor was an confidential informant present at the trial nor was there an statement on records.

Trial counsel Charles Decker asked Headland Police Officer Chase Little about his confidential informant, was he or she a reliable source with information.

Ground Three continue from page (3) of probable cause, so as to allow the magistrate to make an independent evaluation of the matter; if the confidential informant's tip is the source of information, an affidavit must recite some of underlying circumstances from which the confidential informant concluded that relevant evidence might be discovered, and some of underlying circumstance from which Headland Police Officer Chase Little concluded that the confidential informant, whose identity need not be disclosed, was credible or his information reliable.

supporting facts continue page (3)

Chase Little went before the Honorable Circuit Court Judge Denny Holloway with information that he received from a confidential informant that drugs will be found at Rupert Ward Jr. residence. And officer Chase Little of the Headland Police Department did not have the confidential informant with him nor any recorded

Supporting Facts continue from page (3) Number (3)

invalid search warrant and failed to present a Defense Constitutional Principles,

The Sixth Amendment to The United States Constitution, which vests person charged with crimes with the right to "Assistance of Counsel." U.S. Const. Amend. VI The right to assistance of counsel and applies to the states as a component of the right to "Due Process of Law" secured by the Fourteenth Amendment to the United States Constitution. In light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance. Counsel did not or decided not to prepare a defense for Rupert Ward Jr. solely because he was confident that he did not need to question the confidential informant credibility or the drugs, that Headland Police Officer found him self.

Rupert Ward Jr. were convicted and sentence based upon perjury testimony by Headland Police Department Officer Chase Little, who gave false information to secure a search warrant to search Rupert Ward Jr. Residence. The District Attorney Patrick Amason of Henry County District Attorney Office, whom prosecute the cases of Trafficking cocaine and possession of marijuana, did not present any evidence of any drugs than found in Rupert Ward Jr.'s Residence nor did the District Attorney Patrick Amason present a signed statement nor a recorded conversation, nor the confidential informant was present in court during trial court. Trial counsel that represented the defendant his

Supporting Facts continue from page (3)

Conversation nor did Headland Police Department Officer Chase Little have a written statement. During the course of the Trial Headland Police Officer Chase Little did not have nor showed any drugs in Trial court's, nor did there was an confidential informant present in court, But Headland Police Officer Chase Little stated, He Had received information from an confidential informant's and Headland Police Officer Chase Little was the officer that found the alleged drugs that the alleged confidential informant stated, that Headland Police Officer Chase Little would find in Rupert Ward's Jr. residence on the evening of June 15, 2005. A Person commits the crime of Perjury in the First Degree when in any official proceeding he swears falsely and his false statement is material to the proceeding in which it is made, when this officer Chase Little is under oath giving false testimony is strong and determine the outcome of this proceeding or matter involved in securing a search warrant or an arrest warrant, to constitute Perjury, the matter falsely sworn to must be material to the issue in controversy, and the material matter sworn to must be false or it is not the subject of legal Perjury. there was not any evidence nor confidential informant before the Honorable Circuit Court Judge Denny Holloway to issue a search warrant Based on the Perjury Statement of Headland Police Department Officer Chase Little. whether Trial counsel Charles Decker Performance were ineffective Assistance?

Rupert Ward Jr. Retain counsel Charles Decker to represent him for the indicted charges of Trafficking and possession of marijuana. Counsel did not object to an

conclusion of supporting facts from page (3) Numbered)

performance were below the required standard who failed to challenge the failure of the District Attorney to produce an confidential informant, testimony of the informant, the invalid search warrant and the Perjury testimony of Highland Police Department Officer Chase Little to secure a search warrant.

Certificate of Service

I, Rupert Ward Jr. CERTIFY that the STATE OF the BRIEF - OF Facts and Grounds, and supporting facts are true and correct to the best of my knowledge.

Done this the 4th of August 2009.

Rupert Ward Jr.

Rupert Ward Jr.

Inmate and Plaintiff

ATS # 251750

Kilby Correctional Facility

Post Office Box 150

Mount Meigs, Alabama

36057

RUPERT WARD, JR.
A/B # 251750
P.O. Box 150
Gilby's Correctional Facility
Mount Meigs, AL 36057



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